

# INTRODUCTION OF THE QUALITY HEALTH CARE AND CONSUMER PROTECTION ACT

## HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 21, 1997*

Mrs. ROUKEMA. Mr. Speaker, I rise today to introduce the Quality Health Care and Consumer Protection Act of 1997.

The past several years have seen an increasing and disturbing trend of the health insurance industry putting bottom-line medicine ahead of quality medical care. The evidence is everywhere.

First were the documented reports that women were being discharged from hospitals 24 hours—even 12 hours—after giving birth. Then came reports of women being shown the door after having outpatient mastectomies. In addition, physicians are barred from telling a patient about a lifesaving or life-improving treatment option or specialized care if it is more expensive than the insurer is willing to pay. Doctors were literally being gagged, in violation of their professional oaths. Men and women are not allowed to call for an ambulance without receiving prior approval from their managed care plan. Enrollee records are not kept confidential.

These practices, and others, spell an alarming trend in managed care. It would appear that managed care has allowed—or even forced—insurance companies to place company profits ahead of patient care. To many of us, this smacked of third world medicine. Are we to abandon our historical position as the world's leader in medical care?

As a result, many individual States have started to mandate the coverage that insurers must provide. While I understand the States' desire to protect the quality of care, I am not sure this commonsense regulation is best executed at the State level.

Congress should go beyond taking these issues on a piecemeal basis and take broad comprehensive action. Consequently, I am introducing the Quality Health Care and Consumer Protection Act. Based on a series of proposals from Women in Government, a bipartisan group of State legislators from across the country, my bill represents a consensus on steps to ensure that managed-care networks provide high-quality, efficient care, not just low-cost care that boosts profits.

I am aware that there are other health reform plans pending in Congress. My bill, however, goes further because it also includes the millions of American workers whose health plans are regulated under ERISA. ERISA is the Federal law that regulates large corporations that self-insure and these companies would be exempt from the other legislation pending before this House. We must provide the same high standard of quality of medical care for all Americans, not just some.

This legislation would protect consumers without denying managed care's potential for legitimate innovation and cost control. This measure would return the power over medical decisions to those with the medical training and expertise—the doctors and the nurses.

Better Access to Personnel and Facilities—Ensures that enrollees are given meaningful choice of available physicians and specialists, which includes reasonable access to acute

care hospital services, primary care practitioners, registered nurses, specialists and specialty medical services such as physical therapy and rehabilitative services.

Continuity of Care—Requires that enrollees are provided continued coverage with the established primary care practitioners for 60 days, when the health care professional's contract is terminated without cause.

Emergency Service Coverage—Ensures that the health plan reimburse expenses for treatment of an emergency medical condition, when prior authorization was not obtained, if a prudent layperson would reasonably assume that the condition required immediate medical treatment.

Adequate Choice of Health Care Professionals—Ensures that the health plan permit enrollees to choose their own primary care practitioner from a diverse list of qualified professionals who are accepting new enrollees. In addition, when the enrollee's medical conditions warrant it, the enrollee shall be permitted to use a medical specialist primary care practitioner.

Point of Service Option—Ensures that the plan have an option for an enrollee to receive benefits by a nonparticipating health care professional for an additional reasonable premium.

Prohibition of Gag Rules—Ensures that there is open communication between health care professionals and enrollees.

Coverage of Drugs and Devices—Requires that a health plan that provides benefits with respect to drugs and medical devices shall provide coverage for all drugs and medical devices approved by the Food and Drug Administration so long as the primary care practitioner or other medical specialist determines the drug or device is medically necessary and appropriate.

Coverage of Experimental Treatment—If a health plan limits coverage for services, then the plan shall define the limitation and disclose the limits in any agreement of coverage. When a plan denies coverage for an experimental treatment, then the plan shall provide a letter explaining the denial, along with a description of alternative treatment covered by the plan.

Quality Assurance Program—Requires that the health plan develop comprehensive quality assurance standards which are adequate to identify, evaluate and remedy problems relating to access, continuity and quality care.

Data Systems and Confidentiality—Ensures that the health plan provide information on the plan's structure, decision making process, health care benefits and exclusions, cost and cost-sharing requirements, list of participating providers as well as grievance and appeal procedures to all enrollees, the Secretary of Labor, and the Secretary of Health and Human Services.

Reporting of Data—Requires that the health plan report annually to the Secretary of Labor and the Secretary of Health and Human Services data including the number and types of enrollee grievances or complaints during the year, the status of decisions, and the average time required to reach a decision. In addition, the health plan must report the number, amount, and disposition of malpractice claims resolved during the year.

Medical Records and Confidentiality—Requires that the health plans establish policies and procedures for keeping enrollee information confidential.

Disclosure about Financial Arrangements—Requires that the health plan inform enrollees of the financial arrangements between the plan or issuer and participating providers and professionals.

Grievance Procedures—Provides a grievance procedure that all health plans must follow, while also requiring that the plan provide written notification to enrollees regarding the right to file a grievance concerning denials or limitations of coverage under the plan. In addition, the plan shall report to the Secretary of Labor and the Secretary of Health and Human Services the number of grievances and appeals received by the plan.

Mr. Speaker, managed care has a legitimate role to play in today's health care system. However, no health care system should be allowed to sacrifice patient care on the altar of corporate profits. The Quality Health Care and Consumer Protection Act makes significant steps toward returning medical decisions to doctors and other health care professionals and away from gatekeeper bureaucrats in HMO offices.

Medical professionals for generations have worked long and hard to give the United States the highest standard of medical care in the entire world. Our physicians, nurses, and medical researchers have performed miracles in combating dreaded disease, repairing ghastly injuries, and correcting infirmities. We cannot allow green-eyeshaded bean counters in insurance company accounting departments to throw that progress away. With a health care system that is the envy of the world, we must not allow the United States of America to slip to third world standards of medicine.

HONORING REV. RAPHAEL ZBIN,  
MONK OF THE YEAR, THE BENE-  
DICTINE ORDER OF CLEVELAND

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 21, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor Rev. Raphael Zbin, pastor of St. Andrew's Parish in Cleveland, OH. He is celebrating his 50th ordination jubilee and was honored as "Monk of the Year" at a ceremony on March 16, 1997, in Lakewood, OH.

The following tribute was contained in the St. Clair & Suburban News, February 1997 Edition:

He was ordained a priest in 1947 and then began teaching biology at Benedictine High School and served on Cleveland Diocese School Board for many years. In 1976, he was appointed pastor of St. Andrews.

There is no greater tribute to a Benedictine education than to dedicate one's life to the service of the Benedictine Order and its values in education. And that summarizes the life-long efforts of Fr. Zbin.

TRIBUTE TO COLLEEN SMITH

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 21, 1997*

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Colleen Smith of Bowling Green,

OH, who has retired as the city's administrator. Throughout her distinguished tenure, she was a model of a dedicated public servant.

Colleen began working for the city of Bowling Green in 1967 as a bookkeeper, monitoring maintenance costs of city vehicles. Working her way up through the municipal structure, she became the city's municipal administrator in 1989. As a testament to her talent and commitment to fiscal responsibility, the city's books held no operating debt upon her retirement.

In addition to leaving Bowling Green on sound financial grounds, Colleen may take pride in her retirement in knowing she played a key leadership role in the development and promotion of her community. As assistant municipal administrator and later as municipal administrator, she helped revitalize the downtown area and aggressively assisted in economic development. She was involved in recruiting commercial and industrial business and in negotiating an enterprise zone agreement between business, industry, and government. Ever mindful that a community is more than simply a collection of business enterprises, Colleen worked to ensure Bowling Green remained the warm and pleasant place to live and visit it has always been. Her efforts have grown trees, parks, and playgrounds which people have enjoyed and will for generations to come. She helped make Bowling Green a true slice of Middle America.

More than a municipal employee, Colleen expanded the boundaries of public servant by committing her time and talent to various volunteer groups and charities: the American Cancer Society, Muscular Dystrophy Association, and Arthritis Foundation to name a few. For her selfless efforts, Colleen was honored and recognized by many civic and community organizations. The recognition culminated in 1996, when she received an honorary alumnus degree from Bowling Green State University for a lifetime of achievement and civic-mindedness.

The English poet/philosopher John Donne wrote that "no man is an island, entire of itself" by which he meant that every person touches every other living being. Colleen Smith is an example of this sentiment. Although retiring from public service, I am certain she will carry on in the ideal of Donne's philosophy for many years to come. I know my colleagues join me in thanking Colleen Smith for 30 years of dedicated service, and wish her an enriching retirement.

**CONGRATULATIONS TO THE LADY EAGLES BASKETBALL TEAM OF WEST VALLEY HIGH SCHOOL**

**HON. GEORGE R. NETHERCUTT, JR.**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 21, 1997*

Mr. NETHERCUTT. Mr. Speaker, today I want to congratulate the girls basketball team of West Valley High School. On March 15, the Lady Eagles won the Washington State AA High School basketball championship, handily defeating the Prosser High School girls squad 61 to 44. The Lady Eagles won 18 of their 22 games in the regular season, defeating many tough teams.

Under the leadership of Coach Mark Kuipers and assistant coaches Steve Lawler, Shelli Totten, Robyn Schumacher, and Renee Nilles, the girls squad demonstrated athletic skill, teamwork, and persistence, qualities which helped them play good basketball and win the State championship.

Players for the State championship team are Abby Monasmith, Angela Kaltas, Sherry Shollenberger, Cindy Simpson, Gabby McClintock, Chantelle Frost, Dawn Salfer, Kiesha Sowers, Stacey Roberts, Danna Vermeers, Heather Huffman, and Alisha Pedey. Jill Nihoul, Heather Sweet, and Megan Lawk served as the team's managers.

Principal Cleve Penberthy, Athletic Director Wayne McKnight, and residents of the West Valley district should be proud of the Lady Eagles' success. I join them in saluting the players, managers, and coaches for their accomplishment.

I hope the Lady Eagles' success will encourage others to pursue their goals, recognizing that to succeed, players need to practice and work together as a team. While necessary to their triumph, athletic skill alone was not enough. I hope that my neighbors in eastern Washington—and Americans across the Nation—will learn from their success, that they will not let the odds discourage them, they will remain confident in their abilities and work together to reach their goals.

Skill, teamwork, and persistence allowed the Lady Eagles to triumph on the basketball court. And these qualities will enable students across the country to succeed, whether in an athletic arena or in any other endeavor they would like to pursue.

IN HONOR OF NORMAN M. COLE, JR.

**HON. THOMAS M. DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 21, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of Mr. Norman M. Cole, Jr., whose contributions to the northern Virginia area, are beyond measure. Norman died suddenly in a skiing accident on February 2, 1997, and it is hard for me, and the entire Fairfax community to believe that such a vibrant and dynamic citizen is gone.

I would like to take this opportunity to inform others of what an outstanding activist and advisor Norman was. As past chairman of the Fairfax County Board of Supervisors, I had the opportunity to work with Norman and I viewed him as one of the fathers of modern Fairfax. He served on my commission to study the county's budget in 1992 and his insight helped the county to achieve a balance without a tax increase. He was a visionary who saw the big picture in the way government operates, and he was able to put together the coalitions to get things done. Norman was former chairman of Virginia's State Water Control Board and an activist who frequently spoke out in defense of measures to protect northern Virginia's water supply. While chairman, Norman initiated the State standards for treating sewage before it was released into the Potomac River.

No one had more to do with protecting the Potomac River and shaping the region's water supply. Many of Norman's other brilliant ideas

have been adopted by the Virginia General Assembly. Norman also served as a member of the Occoquan Sewage Authority and most recently was involved in assessing Dominion's semiconductor's plans to build a \$1.7 billion computer chip plant in northern Virginia. He also was a fighter for such causes as conserving energy and decreasing government spending.

Norman will be missed by all the residents of northern Virginia that were among the lucky to know him, and my deepest condolences goes to his wife, Janet, and his family. Norman will be a friend I will never forget, and he will be missed by the community he served. A recent editorial in the Washington Post clearly defines Mr. Cole's contributions to the region.

IN HONOR OF NORMAN M. COLE, JR.

[From the Washington Post, Feb. 9, 1997]

The Potomac River is far cleaner today than it was 30 years ago, and the credit for this transformation goes to one man whose expertise, persistence and political skills forced the issue on officialdom until he got results. Norman Cole Jr., who died in a skiing accident last weekend at the age of 63, was the undisputed champion of efforts to achieve what presidents and other elected leaders all talked about but never seemed ready to do: rid the Potomac of serious pollution. Poll anyone who ever got involved in the revival of the river and they point to Mr. Cole, the caring man who knew more than anyone else about water quality.

Mr. Cole served in a variety of state and local assignments pertinent to the longtime health of the region. He did stints as technical and policy adviser to Govs. John Dalton and Linwood Holton on energy and water pollution abatement. The government of Fairfax County leaned on Mr. Cole constantly for guidance, and civic groups sought him out for help, which he generously provided. Mr. Cole also was principal author of the 1971 Occoquan Watershed Policy, which prompted creation of a sewage authority there as well as of a world-class treatment plant.

Mr. Cole's expertise extended to global issues. He was a nuclear engineer who was a leader in the inspection and rectification of problems involving the reactor after the Three Mile Island accident in Pennsylvania. He served on the Ukrainian international jury reviewing proposals to stabilize Chernobyl Unit No. 4 after the disaster there. Mr. Cole assisted the Russian government in defueling its nuclear-powered submarines.

Mr. Cole was the man who was always testing the waters—literally as well as in his elaborate charts brightened by his famous multicolored underliners. When the Potomac started passing his tests, he would organize group swims. When the attention spans of government officials got short, he would nag and educate them until they at least listened some more. He did what he did out of a deep concern for the safety and pleasure of his own children and out of a love of the outdoor life and a special affection for the Potomac. His legacy is a unique treasure.

IN MEMORY OF A GREAT POLKA BAND LEADER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 21, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Joe Toriskie, a Garfield Heights